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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,044	05/02/2005	Oleg Zukov	1865	2227
62433	7590	05/08/2007		
EDWARD LANGER c/o SHIBOLETH YISRAELI ROBERTS ZISMAN & CO. 1 PENN PLAZA-SUITE 2527 NEW YORK, NY 10119			EXAMINER ISLAM, SYED A	
			ART UNIT 3611	PAPER NUMBER
			MAIL DATE 05/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/512,044

Applicant(s)

ZUKOV, OLEG

Examiner

Syed A. Islam

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>011806</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, 13-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Popper (GB 2260012).

Regarding claims 1 and 13, Popper teaches that a multi-picture louvered advertising sign 10 (page 9, line 26, see fig. 1) apparatus comprising: a frame 22 (page 9, line 29; see fig. 1) having a plurality of individual tracks 60 (page 11, line 8; see fig. 1); a plurality of louvers 1A and 1B (page 10, line 5; see fig. 1) mounted so as to move along an associated one of said tracks in said frame, each of said louvers having a pair of longitudinally extending side surfaces 1A and 1B, each providing a display portion; and transmission means 481 (page 11, line 7; see fig. 1) for moving said louvers along each of said associated tracks synchronously, each of said louvers being mounted so as to be oriented perpendicularly to its associated track, such that when moved by said transmission means into a display position, said side surfaces of said louvers define a recurring sequence of said display portions presenting a multiple number of advertising pictures (see figures 1-3).

Regarding claims 2 and 14, it is inherent from the figures of Popper's invention that said recurring sequence is defined by the number of louvers which move on one of said associated tracks until said display position is reached.

Regarding claim 3, Popper teaches that invention further comprising electromechanical means 42 (page 11, line 6; see fig. 1) for determining said number of louvers which move on an associated track until said display position is reached.

Regarding claims 5 and 16, it is inherent from the figures of Popper's invention that said recurring sequence is provided in accordance with rate of motion of louvers per elapsed time.

Regarding claims 7 and 18, Popper teaches that said multiple number of pictures is related to said frame size (see fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 10-12, 17 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popper.

Regarding claims 6 and 17, Popper fails to disclose that said louver motion is between approximately 2-4 louvers per second. The rate of motion is a variable parameter that can be varied depending upon how long it is desired for a given display to be viewable. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have chosen a specific rate of motion, such as 2-4 louvers per second in order to produce the desired viewability.

Regarding claims 10-12 and 21-23, Popper fails to disclose that said recurring sequence presents animation of a set still images, developing message using a related set of still images or an interactive picture using a set of still images. However, Popper teaches the said recurring sequence displays images or displays. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use animation of a set still images, developing message using a

related set of still images or an interactive picture using a set of still images in the invention of Popper for the purpose of conveying information to others.

Claims 4, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popper in view of Claver (5,138,781).

Regarding claim 4, Popper fails to disclose that said electromechanical means comprises a pin mounted in slidably adjustable fashion on a lower edge of said louver, which contacts a micro-switch during louver movement. However, Claver discloses an advertising sign 10 (col. 3, line 5; see fig. 1) comprising an electromechanical means and said electromechanical means comprises a pin 82 (col. 4, line 20; see fig. 5) mounted in slidably adjustable fashion on a lower edge of said louver, which contacts a micro-switch during louver movement (col. 5, lines 48-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Claver in the invention of Popper for the purpose of reducing the rate of motion of each louver.

Regarding claims 9 and 20, Popper fails to disclose that said transmission means comprises a chain forming a loop, which engages a driving gear mounted so as to externally engage the chain loop of the track along its length. However, Claver discloses that said transmission means comprises a chain 78 (col. 5, line 17; see fig. 4) forming a loop, which engages a driving gear 96 (col. 5, line 24; see fig. 4) mounted so as to externally engage the chain loop of the track along its length. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Claver in the invention of Popper since it is easily removable and replaceable.

Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popper in view of Belisle (3,229,395).

Regarding claims 8 and 19, Popper fails to disclose that said transmission means comprises a chain forming a loop, which engages a driving gear mounted so as to internally engage the chain loop of the track at its curved end portion. However, Belisle discloses that said transmission means comprises a chain 15 (col. 2, line 33; see fig. 4) forming a loop, which engages a driving gear 17 (col.

2, line 34; see fig. 4) mounted so as to internally engage the chain loop of the track at its curved end portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Belisle in the invention of Popper since it is more and secure and efficient.

Conclusion

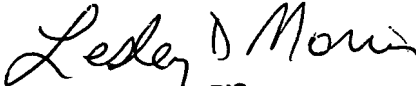
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed A. Islam whose telephone number is (571) 272-7768. The examiner can normally be reached on Monday-Friday 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lesley D. Morris
SPE
Art Unit 3611

SI
April 24, 2007


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Application/Control Number: 10/512,044

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